

**BRIGHAM CITY PLANNING COMMISSION MEETING
TUESDAY, MAY 06, 2008 – 6:30 PM
BRIGHAM CITY COUNCIL CHAMBERS**

PRESENT:	Joan Peterson	Chairperson
	Barbara Poelman	Vice Chairperson
	Lynda Berry	Commissioner
	Deon Dunn	Commissioner
	Paul Fowler	Commissioner
	Roger Handy	Commissioner
	Delwin Lee	Alternate (Acting as Commissioner)
ALSO PRESENT:	Ruth Jensen	City Council Liaison
	Jared Johnson	Community Development Manager
	Eliza McGaha	Secretary
EXCUSED:	Reese Nielsen	Commissioner
	Paul Larsen	Economic Development Director (Acting City Planner)
	Jeff Leishman	Associate Planner

AGENDA:

WORK SESSION – AGENDA REVIEW

REGULAR MEETING

PLEDGE OF ALLEGIANCE

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES

PUBLIC COMMENT (*Per Utah Code, will receive input only, no decision can be made*)

PUBLIC HEARING / APPLICATION #3021 / CONDITIONAL USE PERMIT FOR “ESSENTIAL FACILITIES” 345kV TRANSMISSION LINE / ROCKY MOUNTAIN POWER

APPLICATION #2937/ NORTH POINT SUBDIVISION, PRELIMINARY PLAT – PHASE DRAWING / 905 NORTH HIGHWAY 38 / SCOTT W. MITCHELL

DISCUSSION:

REGULAR MEETING:

Ms. Peterson opened the regular meeting at 6:30 p.m. Ms. Peterson read through the agenda and explained to the audience that Rocky Mountain Power had asked that their application, application #3021, be continued to the May 20, 2008 meeting. Ms. Peterson explained that those who had come to make comment regarding application #3021 would still be able to do so. She said they had been told that Rocky Mountain Power wished to meet with city officials of the cities along the route of the

power line and explain themselves to that group and then they will be available on May 20th to answer questions. Mr. Handy led the Pledge of Allegiance.

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES:

MOTION: A motion was made by Barbara Poelman to accept the work session minutes of April 15, 2008. The motion was seconded by Lynda Berry and passed unanimously.

In regards to the regular meeting minutes of April 15, 2008, on line 340 the word 'etcetera' should be changed to the word 'others'. On lines 799, Mr. Fowler said the words 'south alpine birch' should be changed to 'sub alpine fir' because the example was that they would grow to about 15-feet tall and would work under the power lines as a barrier. He said it would clarify it if someone read it later because one of the things that was stipulated was the upgrading of the trees to a larger size and looking at the feasibility of having an evergreen there. On line 352, the word 'mute' should be changed to the word 'moot'.

MOTION: A motion was made by Barbara Poelman to accept the regular meeting minutes of April 15, 2008 as amended. The motion was seconded by Lynda Berry and passed unanimously.

Ms. Peterson explained that the public comment period was a time for the public to make comments on anything they would like to. She restated, for those who just arrived at the meeting, that Rocky Mountain Power had asked that the public hearing for application #3021 be rescheduled to May 20, 2008; however, as it was advertised, the public hearing will still be held and if people wish to make comment they may do so at that time. She explained that the public comment time was limited to three minutes per person.

PUBLIC COMMENT (*Per Utah Code, will receive input only, no decision can be made*):

Leslie Davis – She stated that she lives in the upper northeast part of town. Her concerns were about the power line and the pipeline they are proposing to put in that area. She stated that her concerns are many. First of all, there is the mountain top that has been chopped in two by a large gravel pit on one side and digging going in on the other side to put in the Kotter Subdivision and then all this put in on top of an earthquake fault line. She said as she understands it there are going to be electrical towers up there 150-feet high on top of a fault line and then they want to put a pipeline up there too. She said she thought it was ridiculous that they would even consider that. There has got to be a safer place to put this that will not affect so many citizens and homeowners; it will go through the back of a lot of people's property and their safety is going to be greatly affected.

Ms. Davis said she is particularly worried about the earthquake fault line and the fire hazards. They will cut through a mineral spring that the City was talking about developing for the northeast part; the power line and the pipe line will be on top of that. She said she thought it was a very dangerous situation to begin with and, on top of that, putting in access roads on what was once a beautiful mountain with hiking trails, mineral springs and a water fall. There is also a number of wildlife up there. She said eleven different cougars have been tagged by the cougar hunters that run from the Brigham City mountains over to Beaver Dam. She asked what was going to happen when they start blasting the mountain for the pipeline and when they start digging up there to put in these transmission lines with transformers. Ms. Davis said with the noise and the shaking of the ground, those animals will probably go down into their yards. She said they live right at the bottom of the mountain; they come down in the winter and she asked what would stop them from coming down to their yards. She thought it was a very big safety hazard. She thought it was something that Rocky Mountain Power pushed it without informing those homeowners. She said there are so many people she has talked to lately that had no knowledge of what was going on in their backyard. She said they

had received information a little at a time and her understanding was that the City did not get a lot of notification on this either. She said she thought it was really poor on their part, when they are going to affect so many homeowners, their safety, their health and the value of their homes to run this through. Certainly there has to be public ground that would be a much safer alternative route. She said she knew of two alternate routes and she would like to know from Rocky Mountain Power why they passed over those routes. She said she was told that 1100 South was a consideration and she urged the Commission to deny the conditional permit. She said there was a lot at stake and she thought that Brigham would suffer bad effects all over from both of those projects.

Deanna Weeks – She stated that she lives on Deer Haven Drive which is one of the uppermost properties on the mountain. She said from the aerial picture she received from the City it looked like she was very, very close to the site which concerned her for several reasons. The first reason is the aesthetics; Brigham City is a beautiful place and she hated to think that the mountain side would be cluttered with those high power transmission lines. Another major concern she had was the safety of those transmission lines and the health hazards they might bring about. She said she was not very well informed about this project prior to this meeting and she felt that Rocky Mountain Power had not put it out to the public very well and would like more time to see what the real concerns are. As a past broker here, she said she was concerned about the health hazards as she had to disclose on any properties that were bought or sold in Brigham City if they were near a transmission line because there could be radiation and health hazards; she would like to know more on that. It also seems to be a major concern to the citizens that live up there as they are so near the fault line. Should there be an earthquake, she asked how would it affect those towers and the safety of those residents.

Denton John – He stated that he is from Portage and has been working on opposing this Rocky Mountain Power line for the past four months. He said they have been successful in getting them to relocate some of that line to the east side of the freeway north of the Utah border and now it looks like they have moved it east of the freeway to Plymouth from the Utah border. There is a little success showing there. He said some of his concerns are that toward the end of last week, Rocky Mountain Power applied to the Public Service Commission to get this transmission line construction started. They have told him all along that there would be one line. Mr. John said that in their application and the testimony of John Caparo, who is Vice President of Rocky Mountain Power in Portland, Oregon, now states that a new double circuit 345kV transmission line will be constructed from the populous substation to the existing 345kV terminals substation in Salt Lake City, Utah southwest of Salt Lake International Airport. They have enclosed a map that shows where this thing is proposed to go. In their proposal it will be built straight south from Plymouth and will cross the freeway down by the Malad River Valley, it will then go south through 2000 West in Tremonton along their new industrial park and will cross Interstate I-84 on the south side. Where I-15 and I-84 merge and go east it will go east on the south side of that freeway and then it will cross the freeway near the exit at Elwood and cross over and go down the east side of the freeway until it gets about to Call's Fort and then go east to the mountain and then east from there along the line that they have proposed all the time to use. Mr. John stated that he is very much opposed to this mainly because they have not even followed their own siting criteria. He begged all to get involved with this and find out what the facts really are and realize they are not what they have proposed.

Eve Jones – She stated that she lives on Beecher Avenue right against the mountain. She is also concerned about the proximity of having high tension power lines with the gas pipeline right along the fault, which is a recipe for disaster. She said that Ms. Davis said it better than she could but she is really opposed to the site although she understands the need to have upgraded power lines. She heard one proposed place it will go is on the west side of the freeway which is where they are taking it by Tremonton and she did not see why they would come up along our mountain and impact the beauty and the safety and the values of the homes when they can just go right along the west side of the freeway where there are no homes; there is nothing there. She commented that maybe it was a wetlands issue. She said that should be given serious consideration.

Scott Garner – He stated that he lives at 1025 South 1250 East on the mountain side. They moved here from Bountiful about a year and a half ago and put their lives into building a home up on the bench. There is a 10-inch high pressure gas main that runs right through their front yard, which they are aware of. The addition of this high pressure 345kV line has got them scared to death. He said he knows Rocky Mountain Power is a multi-billion dollar corporation that is run by Warren Buffet and his real question is if this is just an information sharing session or if Brigham City, Willard, Perry or anyone has any power to stop this. He said he is pretty skeptical and is frustrated with that. He said he kind of felt like they were wasting their time. He said he was going to get involved with Mr. Jones and see what he could do. It seems to him like smaller communities like this become the doormat of large corporations. Sand and gravel came in this town and he said he knew the City tried to stop the LeGrand Johnson pit, up by his house, for a long time but eventually could not hold off any longer; there is too much money to be made and he said he thought the power line was no exception. There is so much money at stake and Rocky Mountain Power has so many politicians in their back pocket and has such influence in this state that he does not have a lot of hope. As he approached Brigham City, as he came back from work in Salt Lake City, he looked at the green mountain side across the face there and tried to imagine what it would be like with those huge towers stringing right across the face of those mountains. That will become the new face of Brigham City and Brigham City is known for the high power lines, gravel pits and the trashy looking Indian School which has sat there for 20 plus years. He said he hoped there was something that could be done, he said he prayed that there was and if there is anything he can do to get involved to change that, he certainly will.

Ms. Peterson thanked everyone for their comments and stated that if anyone would like to come on May 20, 2008 to the public hearing, they could state their concerns when Rocky Mountain Power will be there as there may be more information at that time.

A lady in the audience asked who they could send their letters to that would be effective. That question was answered by a man in the audience which was not audible on the recording or to the secretary taking the minutes.

PUBLIC HEARING / APPLICATION #3021 / CONDITIONAL USE PERMIT FOR “ESSENTIAL FACILITIES” 345kV TRANSMISSION LINE / ROCKY MOUNTAIN POWER:

MOTION: A motion was made by Roger Handy to continue the public hearing for application #3021 to the May 20, 2008 meeting. The motion was seconded by Paul Fowler and passed unanimously.

APPLICATION #2937/ NORTH POINT SUBDIVISION, PRELIMINARY PLAT – PHASE DRAWING / 905 NORTH HIGHWAY 38 / SCOTT W. MITCHELL:

Mr. Johnson explained that this application came before the Planning Commission on September 4, 2007 as a preliminary plat. At that that point in time, the Planning Commission forwarded the application to the City Council with a recommendation for approval. The developer came back and wanted to look at developing the subdivision in three different phases; phase 1, 2 and 3. The Planning Commission was not previously privy to that information. Due to the changes the developer would like to make with the phasing, he was told that it would need to go back before the Planning Commission. This is essentially the same subdivision with the difference being the phasing. Staff comments have been added to the plat. Because there was already an approval motion made on this application, there are several options; a motion could be made to accept the previous motion and add items to it or the motion could be reconsidered or rescinded. Mr. Johnson's recommendation was to reconsider the motion. As Commissioners Handy, Peterson and Poelman were the only Commissioners present who voted on the original motion then the motion must be made by either Commissioner Handy or Commissioner Poelman as Commissioner Peterson is the current Chair and is not allowed to vote.

MOTION: A motion was made by Barbara Poelman to reconsider application #2937 to reconsider the previous motion that was made on September 4, 2007 so it can be developed in to phases. The motion was seconded by Roger Handy and passed unanimously.

Commissioner Poelman asked if the developer had it in mind to do phases when it was originally brought to the Planning Commission or if he had found that is what he needed to do for financial reasons. Mr. Johnson replied that when the application was previously brought before them the market was a little different than it is now. The plan was to do the entire subdivision, in whole, but due to the way the market has changed and the financial restrictions, the developer's lender has requested that it be done several pieces at a time and they will finance the phases as they come through. If the three phases are approved, the developer still has the option to build it all at once.

Scott Mitchell, developer, came forward.

Ms. Peterson commented that there were still some considerations from the Staff, particularly the Engineering Department, and she asked Mr. Mitchell if he was aware of them. Mr. Mitchell replied that he had met with Staff several times and they have had major discussions on the lists and why they do not get eliminated. He said his engineers have written several letters stating that the same list exists and they need to make the lists mean something and get them checked off. Mr. Mitchell said they have all been addressed and all the engineers have been in touch. Mr. Johnson said he had indicated to the Planning Commission that they did not have an updated list and that 95-percent of the items had been completed and for the most part it is completely wrapped up. There are a couple of items that involve the phasing that Mr. Johnson said he talked with Mr. Mitchell about such as renumbering the lots to match the phasing. The majority of the items on the Staff evaluation, which the Planning Commission had before them, could be crossed off. Mr. Johnson said they did have a meeting with the developer and City Staff, which included all of the Managers from all the different utilities as well as EMS, Police, Leisure Services and the City Engineer.

MOTION: A motion was made by Roger Handy to approve application #2937 with the stipulation that the construction be allowed to be made in three phases and that option is given. Assuming that the applicant will comply with the Staff evaluation and that such use will not under the circumstances of that particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and that such use is in compliance with the Brigham City General Plan. The motion was seconded by Barbara Poelman and passed unanimously.

Mr. Mitchell commented that in regards to the lists and letters the City Staff does an excellent job trying to get things done and if something does not get done he said he appreciated the fact that the Planning Commission was able to not hold back the person that is trying to get something done. He said he thought it was important that they and the Council could put a lot of effort and emphasis that when they are in the meeting and it is determined that it is ready and is approved that the City Staff makes sure the letters and documents get done right and not hold the developer hostage.

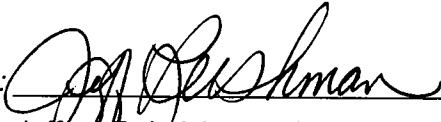
DISCUSSION:

There was no discussion.

MOTION: A motion was made by Roger Handy to adjourn. The motion was seconded by Paul Fowler and passed unanimously.

The meeting adjourned at 7:02 p.m.

*This certifies that the regular meeting minutes of May 06, 2008 are a true and accurate copy
as approved by the Planning Commission on May 20, 2008.*

Signed: 
Jeffery R. Leishman, Secretary